

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ROOFERS LOCAL 149 SECURITY  
BENEFIT TRUST FUND, *et al.*,

Plaintiffs,

Case No. 05-60218

v.

Hon. John Corbett O'Meara

MILBRAND ROOFING GROUP, INC., *et al.*,

Defendants.

---

**ORDER DENYING JON K. MILBRAND'S MOTION  
TO SUPPLEMENT AND FOR RECONSIDERATION**

Before the court are Defendant Jon K. Milbrand's motion to supplement, filed March 9, 2007, and his motion for reconsideration, filed March 26, 2007. For the reasons stated below, Defendant's motions are denied.

In the motion to supplement, Defendant requested the opportunity to supplement his response to Plaintiffs' motion for summary judgment. Plaintiffs filed their motion on October 16, 2006. Defendant filed a response on November 9, 2006, and a supplemental response on January 25, 2007. This court heard oral argument on March 8, 2007, and took the matter under advisement. On March 9, 2007, Defendant filed the motion to supplement, but did not reveal how he intended to supplement the record.

On March 14, 2007, the court entered an opinion and order granting in part and denying in part Plaintiffs' motion for summary judgment against Jon K. Milbrand. Defendant subsequently filed a motion for reconsideration asserting that his counsel erred by not submitting an affidavit from Mr. Milbrand in response to Plaintiff's motion. Defendant also attached an affidavit from Mr. Milbrand.

Because Defendant has not justified his failure to submit Mr. Milbrand's affidavit in a timely manner, the court will not consider the affidavit. See, e.g., Mays v. U. S. Postal Serv., 122 F.3d 43, 46 (11<sup>th</sup> Cir. 1997); RGI, Inc. v. Rachel, 963 F.2d 658, 661-62 (4<sup>th</sup> Cir. 1992) (affirming refusal to consider affidavit that was not timely presented during summary judgment proceedings). Further, Defendant has not presented sufficient grounds to warrant reconsideration of the court's March 14, 2007 order. See LR 7.1(g)(3).

Accordingly, IT IS HEREBY ORDERED that Defendant's March 26, 2007 motion for reconsideration is DENIED.

It is further ORDERED that Defendant's March 9, 2007 motion to supplement is DENIED.

s/John Corbett O'Meara  
United States District Judge

Dated: June 20, 2007

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, June 20, 2007, by electronic and/or ordinary mail.

s/William Barkholz  
Case Manager